

TO THE PRESIDENT OF THE UNITED STATES

PETITION FOR PARDON FOR
MARC RICH
AND
PINCUS GREEN

Indicted September 19, 1983
by the United States Attorney for the
Southern District of New York
For Alleged Crimes Arising Out of
The Department of Energy's Price Control Program

PETITIONERS' APPLICATION FOR PARDON

For Petitioners:

Jack Quinn, Esq.
1133 Connecticut Avenue, N.W.
2nd Floor
Washington, D.C. 20009
(202) 457-1110

Kathleen A. Behan, Esq.
Arnold & Porter
555 Twelfth Street, N.W.
Washington, D.C. 20004
(202) 942-5533

Robert F. Fink, Esq.
Piper Marbury, Rudnick & Wolfe, LLP
1251 Avenue of the Americas
New York, NY 10020
(212) 835-6090

December 11, 2000

PETITION FOR PARDON

To the President of the United States:

Petitioners Marc Rich and Pincus Green pray for a pardon and in support thereof state as follows:

MARC RICH – PERSONAL INFORMATION

1. Full name: Marc Rich

Address: Villa Rose, Kleinnaumatt No. 9, 6045 Meggen, Switzerland

Telephone Number: The attorneys pressing Marc Rich's case may be reached at the following numbers:

John M. Quinn, Esq.: (202) 457-1110
Kathleen A. Behan, Esq.: (202) 942-5533
Robert F. Fink, Esq.: (212) 835-6090

Social Security Number: 496-34-3075

Date and Place of Birth: December 18, 1934; Antwerp, Belgium

Physical Characteristics:

Sex: Male

Height: 5'10"

Weight: 176

Hair Color: Brown

Eye Color: Brown

Citizenship: Israel, Spain

Offense for Which Pardon Is Sought

2. Petitioner's Conviction. Mr. Rich has not been convicted of any offenses. Mr. Rich has been under indictment in the Southern District of New York for more than 17 years. A copy of the indictment is attached as Exhibit A.
3. Petitioner's Sentence: Not applicable.

BACKGROUND

4. Prior and Subsequent Criminal Record: None.

Biographical Information

5. Current marital status: Mr. Rich is married to Gisela Rossi Rich.
6. Children: Mr. Rich has two children, Ilona and Danielle. Gabrielle, a child from his first marriage to Denise Rich, died at the age of 27 in 1996.
7. Schools attended since alleged offenses: None.
8. Residences: Mr. Rich has residences in Switzerland and Spain.
9. Employment History: See Accompanying Memorandum.
10. Substance Abuse and Mental Health Information:
- (a) Mr. Rich is very moderate in alcohol use and has used no drugs at all.
 - (b) Mr. Rich has not engaged in the illegal sale or distribution of drugs.
 - (c) Mr. Rich has not sought or participated in counseling, treatment, or a rehabilitation program for drug use or alcohol abuse.
 - (d) Mr. Rich has not consulted with a mental health professional or with another health care provider concerning a mental health-related condition.
11. Civil and Financial Information:
- (a) Mr. Rich is not in default or delinquent in any way in the performance or discharge or any debt or obligation to the United States or any other person or entity.
 - (b) Mr. Rich has not ever filed for a discharge of his debts in bankruptcy.
 - (c) Mr. Rich is not involved in any judicial or administrative proceedings pending with federal, state, or local governments.
12. Military Record: None.
13. Civil Rights and Occupational Licensing: None.
14. Firearms Disabilities: None.
15. Business, professional or occupational license: None.
16. Reasons for Seeking Pardon: See accompanying Memorandum.

PINCUS GREEN – PERSONAL INFORMATION

1. Full name: Pincus Green

Address: Chamerstrasse 12, Zug, CH 6304, Switzerland

Telephone Number: The attorneys pressing Pincus Green's case may be reached at the following numbers:

John M. Quinn, Esq.: (202) 457-1110
Kathleen A. Behan, Esq.: (202) 942-5533
Robert F. Fink, Esq.: (212) 835-6090

Social Security Number: 130-26-9730

Date and Place of Birth: March 11, 1934; Brooklyn, New York

Physical Characteristics:

<u>Sex:</u> Male	<u>Height:</u> 5'9"
<u>Weight:</u> 170	<u>Hair Color:</u> Gray
<u>Eye Color:</u> Green	

Citizenship: Israel, Spain, Switzerland

Offense for Which Pardon Is Sought

2. Petitioner's Conviction. Mr. Green has not been convicted of any offenses. Mr. Green has been under indictment in the Southern District of New York for more than 17 years. A copy of the indictment is attached as Exhibit A.
3. Petitioner's Sentence: Not applicable.
4. Prior and Subsequent Criminal Record: None.

Biographical Information

5. Current marital status: Mr. Green is married to Libby Green.
6. Children: Mr. Green has four children, Alan, Robert, Sandra and Sarah.
7. Schools attended since alleged offenses: None.
8. Residences: Mr. Green has residences in Switzerland and Israel.

9. Employment History: See Accompanying Memorandum.
10. Substance Abuse and Mental Health Information:
- (a) Mr. Green is very moderate in alcohol use and has used no drugs at all.
 - (b) Mr. Green has not engaged in the illegal sale or distribution of drugs.
 - (c) Mr. Green has not sought or participated in counseling, treatment, or a rehabilitation program for drug use or alcohol abuse.
 - (d) Mr. Green has not consulted with a mental health professional or with another health care provider concerning a mental health-related condition.
11. Civil and Financial Information
- (a) Mr. Green is not in default or delinquent in any way in the performance or discharge or any debt or obligation to the United States or any other person or entity.
 - (b) Mr. Green has not ever filed for a discharge of his debts in bankruptcy.
 - (c) Mr. Green is not involved in any judicial or administrative proceedings pending with federal, state, or local governments.
12. Military Record: Drafted in the U.S. Army 1955, he was honorably discharged in January 1957.
13. Civil Rights and Occupational Licensing: None.
14. Firearms Disabilities: None.
15. Business, professional or occupational license: None.
16. Reasons for Seeking Pardon: See accompanying Memorandum.

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**MEMORANDUM IN SUPPORT OF
PETITIONERS' APPLICATION FOR PARDON**

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EXECUTIVE SUMMARY

This petition sets forth the request of Mr. Marc Rich and Mr. Pincus Green for a Presidential Pardon. Mr. Rich and Mr. Green are internationally recognized businessmen and philanthropists who have contributed over \$200,000,000 to charity in the past twenty years, and who have donated countless hours to humanitarian causes around the world. Supporters of the pardon petition include Ehud Barak, Prime Minister of Israel, Nobel Peace Prize Winner Shimon Peres, Abraham Foxman, National Director of the Anti-Defamation League, Rabbi Irvin Greenberg, Chairman of the Holocaust Memorial, Shlomo Ben-Ami, Minister of Foreign Affairs of Israel, Nobel Laureates, and many friends and family members. The supporters attest to the extraordinary lives of Mr. Rich and Mr. Green.

Mr. Rich and Mr. Green seek a pardon even though they never have been convicted of a criminal offense in the United States or any other country. However, they and two of their companies were wrongfully indicted nearly twenty years ago, primarily on tax and energy charges stemming from their participation in oil transactions under then-existing Department of Energy oil regulations and controls. Those controls, deemed to be unworkable, incomprehensible and counterproductive, were abolished by President Reagan in one of his first official acts in January, 1981, and now are seen as a relic of the era of excessive economic regulation of the oil industry.

Mr. Rich and Mr. Green have complete defenses to the indictment. While the indictment makes many accusations, the prosecution admits that tax-related charges were the core of the case. Yet two of the country's leading tax professors have analyzed the tax treatment of the transactions at issue, and concluded that they were correctly reported. Nevertheless, Mr. Rich and Mr. Green remain under indictment and in effective exile from the United States. This is so

even though their companies have resolved all charges, and all others who engaged in similar transactions were pursued civilly, or not at all.

This Petition for a Pardon on behalf of Mr. Rich and Mr. Green seeks to put an end to that exile by resolving an otherwise intractable situation between Mr. Rich, Mr. Green and the United States government, and by righting an injustice that has persisted for nearly two decades. Mr. Rich and Mr. Green are now in their late sixties. They have not traveled to the United States in over seventeen years. Without a Presidential Pardon, there is little if any chance that this matter will be resolved. The current situation is the unfortunate result of unfair and unwarranted treatment of two men against whom no criminal charges should have been brought. A Presidential Pardon will promote the interests of justice, will rectify a wrong, and will finally put this matter to rest.

REASONS FOR GRANTING A PARDON

I. MR. RICH AND MR. GREEN ARE EXTRAORDINARY BUSINESSMEN AND PHILANTHROPISTS WHO HAVE LIVED EXEMPLARY LIVES SINCE THE ALLEGED OFFENSES.

Mr. Rich and Mr. Green have lived exemplary, indeed, remarkable lives. Although they have suffered terrible hardships as the result of their exile from the United States, they have continued to work productively and contribute to society.

Everyone knows that Mr. Rich is a successful international business leader. What is not well known is that Mr. Rich has contributed enormously in the philanthropic arena. He and the Marc Rich Foundation and others he created and funded have given away over 100 million dollars to charitable, cultural and civic organizations.

Mr. Green similarly has lived an extraordinary life since the alleged offenses, donating magnanimously to educational and charitable causes. Mr. Green's foundation has provided over 120 million dollars to charities the world over. He, too, has suffered enormously on the personal front from his inability to travel to the United States, or to most places in the world.

Individuals from around the world have written to express support for a pardon for Mr. Rich and Mr. Green. *See Exhibit B.* Many of these supporters know Mr. Rich and Mr. Green well, and have written striking letters of support and appreciation, documenting some of their humanitarian contributions. Set forth below is a brief history of their lives, including their rise from immigrant Jewish families to international businessmen and world class philanthropists, and excerpts from a few of the many letters of supporters attesting to the great kindness and generosity of these men.

A. MARC RICH

Marc Rich was born in Antwerp, Belgium in 1934. Facing the prospect of religious persecution, his family began moving when he was a small boy and settled for a while in Vicchy, France before successfully emigrating to the United States in 1941. The family first moved to New York City and lived with a relative, then moved to Philadelphia, then to Kansas City and then returned to the New York City area, living first in Forest Hills, then Crestwood, and then Manhattan. As a result of the travels, Mr. Rich attended a different school virtually every year through primary and secondary schools.

Mr. Rich was very affected by his father, a talented businessman with an uncompromising work ethic and a knack for success in a variety of business ventures. Fascinated with business matters, he spent much of his childhood helping his father in several of his companies. After high school, Mr. Rich started to attend New York University, but at the age of 19, he obtained a position in the mailroom with Philipp Brothers. (Philipp Brothers was then a highly regarded, if not the best regarded, physical trading company here in the United States.) Working his way up, Mr. Rich was transferred to the shipping department that was responsible for the control of all of the Philipp Brothers' physical commodities movements. Mr. Rich soon began traveling to different Philipp Brothers offices around the world, including Bolivia, Amsterdam, India, Spain and Switzerland.

While working principally with metals, Mr. Rich increasingly became convinced that Philipp Brothers could extend its trading activities to crude oil and oil products. In this, he was considered to be visionary. Indeed, Mr. Rich is credited with creating the market for the active trading of crude oil (now known as the crude oil "spot market"). Previously, crude oil sales had been handled by the major oil companies without the benefits of an international market.

Mr. Rich's business acumen was quickly recognized, and he was groomed for the role of president of Philipp Brothers. But in 1974, determined to set out on their own, Mr. Rich and Mr. Green, another former mailroom worker who had become a senior member of the Philipp's group, and a handful of other Philipp Brothers traders, started their own company, Marc Rich + Co AG ("MRAG"). It was created and headquartered in Switzerland with additional offices initially located in both London and Madrid. By 1978, a Swiss subsidiary was operating in New York, and the business was well on its way towards tremendous success. It quickly was placed in the very top ranks of international trading companies throughout the world. Despite legal difficulties with the United States in the early 1980s, MRAG became one of the world's major players in arranging for the successful transfer of raw products from producer countries to developed nations. In building this business, Mr. Rich and Mr. Green made substantial contributions to the world economy by increasing competition -- and even breaking cartels -- in the physical commodities industries.

By 1993, when Mr. Rich sold his interest in MRAG to the senior traders of the Company, the trading entity was doing over 30 billion worth of business a year and operated in over 125 countries with 40 offices worldwide and 1200 employees.

In 1996, Mr. Rich began to build a new, smaller trading company that trades in oils and metals and has a staff of about 300 people worldwide, principally in London and Switzerland. In addition to the commodities business, Mr. Rich oversees a considerably larger business dealing with investment and trading in financial instruments. Mr. Rich also oversees a real estate group which invests in the creation of new, or the refurbishing of existing, commercial and residential sites in Switzerland, Spain, Portugal, Czech Republic and Russia. In the process, Mr. Rich and

his business deal directly with some of the world's best known banks, brokerage houses, oil and metal companies.

Over the years, Mr. Rich's activities increasingly have involved philanthropy. Mr. Rich's philanthropy started four decades ago. In the last two decades, he has donated over 100 million dollars to various charitable causes. He has created five foundations, including one for the purpose of finding a cure to leukemia, established after his daughter Gabrielle died of the disease in 1996.¹ That foundation has made significant contributions to medical institutions around the world, including the Memorial Sloan-Kettering Cancer Center, the Yale University School of Medicine, and the Dana Farber Cancer Institute.

The vast majority of Mr. Rich's philanthropic activities have been through his foundations where the gifts, often anonymous, are made to charities throughout much of the world. Mr. Rich currently is in the process of reducing his business activities and increasing his charitable activities, but he always has taken an active role in deciding where the foundations' monies are directed. Many of Mr. Rich's gifts are made through partnership arrangements to ensure that the funds are used entirely for charitable purposes. A description of the activities of Mr. Rich's foundations accompanies this memorandum in a separate binder.

Mr. Rich, who will be 66 on December 18, 2000, has two daughters, Ilona and Danielle, both of whom live in New York City, as do his three grandchildren and his former wife, Denise Rich. Three years ago, Mr. Rich married Gisela Rossi Rich. He has lived in the Zug, Switzerland area since 1983, and he and Mrs. Rich currently live in Meggen, Switzerland.

¹ Because Gabrielle lived and died in the United States, Mr. Rich felt the extra weight of being unable to personally visit with her during her final months.

Mr. Rich is a multi-talented, multilingual businessman and a philanthropist. He has used these talents for the public good, including repeated efforts to support projects that promote peace in the Middle East. Mr. Rich anonymously provided (through a United States intermediary) \$400,000 to cover the shortfall necessary to achieve a settlement in the dispute between Egypt and Israel relating to the killing of Israeli civilians at Ras Burka.

Many friends and family members have written letters which support a pardon for Mr. Rich. These letters not only explain the hardships that Mr. Rich has suffered, but also describe his many social contributions. Some of those letters have been excerpted below:

Because of the indictment, I have seen what happens when charges are falsely -- even if just incorrectly -- made against those closest to you, and what it feels like to see the press try and convict the accused without regard for the truth. I know the immense frustration that comes when the prosecutors will not discuss their charges, and when no one will look at the facts in a fair way. My husband and I could not return to the United States because, while the charges were untrue, no one would listen -- all the prosecutors appeared to think about was the prospect of imprisoning Marc for the rest of his life. With a life sentence at stake, and press and media fueled by the U.S. Attorney, we felt he had no choice but to remain out of the country.

Let no one think exile for life is a light burden. The world we cared about was cut off from us. When our daughter was dying from leukemia, Marc was cruelly denied the opportunity to see her by the prosecutors.

Denise Rich

* * *

Were [our sister Gabrielle] here today, we could not have stopped her from seeking you out in person to ask for help in pardoning our father. She loved him, stood by him and would be in the vanguard of the effort to obtain a pardon for him if she could. Like us, she suffered from the fact that for many years our family could

not live in this country, and from the fear that our father would not be safe, or would be taken from us.

Ilona and Danielle Rich

* * *

Although I am not acquainted with the legal intricacies of his case, I do have concrete knowledge of Marc Rich's philanthropic activities in Spain, Israel and Diaspora communities and in fostering humanitarian projects as well as the cause of peace in the Middle East and elsewhere. His foundation was among the first private entities to support the Oslo Accords by sponsoring education and health programs in Gaza and the West Bank in cooperation with the Palestinian Authority. Many of the projects of people to people between Israelis and Palestinians would not have been possible without Marc Rich's generous involvement.

I would like to add my voice in support for any solution that can solve this Kafkaesque situation Mr. Rich has been in for so many years. So far no realistic solution was possible. Your clemency is almost a last resort.

I am sure that Marc Rich shall continue contributing to humanitarian causes, as well as to the cause of peace. He will be a friend of noble endeavors whatever his personal situation may be. But, a touch of clemency will serve as a token of recognition to the commitment of this unique man for his service to the community.

Shlomo Ben-Ami, Minister of Foreign Affairs, Israel

* * *

I was recently informed of Marc Rich's request for executive clemency. Knowing Marc Rich and his partners for over two decades since my years as Director General of the Finance Ministry, I am aware of the legal difficulties they have faced from the beginning.

Marc Rich has been one of our most important private individuals involved in the leading issues of our times, not only in Israel and the Jewish world, but also in supporting interfaith and coexistence work throughout the region.

Marc Rich's ability to help so many others throughout his personal, medical and legal trials has earned him the respect and admiration of all those with whom he comes into close association.

Hopefully, Marc Rich will have the opportunity to reunite with his daughters and grandchildren and enjoy many healthy years with them. I strongly support his request for executive clemency.

Yaakov Neeman, Former Minister of Justice, Israel

* * *

My relationship with Marc Rich goes back many years and his discretion and generosity has made him one of the main benefactors of Israel and the Jewish people.

The city of Jerusalem has benefited in particular from his support over the years. His efforts include a new wing at the Israel Museum, new trauma departments at the Shaare Zedek and Hadassah Medical Centers, a new wing at the Hebrew University as well as a long list of donations to associations dealing with the improvements of the quality of life in our country.

In short I have witnessed his long years of endurance and suffering as a result of the legal impasse of his case. I believe that the time has come to end his exile and allow him to rejoin his family in New York – his children and grandchildren.

**Ehud Olmert
Mayor of Jerusalem**

* * *

I came to know Mr. Rich in the last few years in my capacity as the newly elected President of Tel Aviv University. The two foundations established by Mr. Rich have been particularly generous to scientific, cultural and social institutions in Israel and elsewhere, and it is in this context that I first met Mr. Rich. My relationship with Mr. Rich is thus quite recent, but within a short span of time I came to know him quite well and to regard him highly. Not only is he immensely generous, but also quite exceptional, being as a rule an anonymous donor, one who does not seek recognition and publicity.

**Prof. Itamar Rabinovich, President,
Tel Aviv University**

* * *

I have known Mr. Rich for many years now and found him to be a fine and generous individual willing to help good causes when asked. As Head of the Mossad, (1989-1996) we requested his

assistance in looking for MIA's and help in the rescue and evacuation of Jews from enemy countries. Mr. Rich always agreed and used his extensive network of contacts in these countries to produce results sometimes beyond the expected. Israel and the Jewish People are grateful for these unselfish actions which sometimes had the potential of jeopardizing his own personal interests and business relations in these countries.

Shabtai Shavit
Former Director of Mossad

* * *

[A]s the rabbi of Efrat I have endeavored to foster positive relationships with our neighboring Palestinian villages. These Palestinians have neither health insurance nor the ability to train medical personnel of their own. Marc Rich paid hundreds of thousands of dollars to enable the Palestinians to receive proper medical help and to even send their brightest young people to medical school. He was also instrumental in building a center for early childhood education and physical training – a project which did much to foster good relations – beginning with the sports field used by Palestinians and Israelis which incidentally kept Hamas out of the villages. He did all of this without any fanfare or publicity seeking.

Shlomo Riskin, Chief Rabbi City of Efrat
Chancellor, Ohr Torah Stone

* * *

The CEIM Foundation of the Madrid Business Confederation has worked closely for many years with the Rich Foundation on a wide range of programs for the promotion of art, culture and education, especially aimed at the most underprivileged in society.

Mr. Marc Rich has always supported the initiatives our Foundation has proposed; indeed, without his backing, they could not have come to fruition. He has an abiding commitment to seeking solutions to the problems of society and to creating better conditions for the development of the individual, conscious as he is of his responsibility in this regard. In his work as a citizen, his attitude has always been proper, thus earning him significant respect in Spain, where he has lived for many years.

Fernando Fernández-Tapias
Presidente, Confederacion Empresarial DOE Madrid-CEOE

* * *

I met Mr. Rich in a totally different setting. There I saw him in action as a philanthropist. He brought vision, generosity, a desire to do good, a willingness to take a leadership role; most of all, I saw that he did good in a situation where he would not get recognition. The good deed itself and not the publicity or the possible future use evoked his commitment. I saw then that he really cares.

**Rabbi Irving Greenberg, Chairman
United States Holocaust Memorial Council**

* * *

In my leadership capacities over the past 10 years I have come to know Mr. Rich as a generous supporter of humanitarian projects. In particular his philanthropy provides research and health care through the Hadassah Medical Organization to Muslims, Christians, Druz and Jews in Israel and other areas of the Middle East.

...

Mr. Rich has made possible a large part of the Birthright Israel program.

...

His enormous number of quiet activities to improve the quality of people's lives because he cares deeply has made a lasting impression on me.

**Marlene E. Post
Immediate Past International President, Hadassah Chairperson,
Birthright Israel, North America**

* * *

All of these letters are attached as part of Exhibit B.

B. PINCUS GREEN

Pincus Green, the seventh of eight children, was born in Brooklyn, New York in 1934 in the midst of the Great Depression. Eleven years earlier his parents, Sadie and Israel, had emigrated from Communist Russia (now the Ukraine).

When the Green family arrived in the United States, Mr. Green's father opened a grocery store in Brooklyn, which became a successful business. However, before Mr. Green was born, the family savings were lost when the family's bank failed. His father then became a jack-of-all-trades, learning new skills frequently in order to find and hold a job, an effort that was made more difficult as the result of his refusal to work on Saturday, the Jewish Sabbath. To supplement his meager income, all four sons (including Mr. Green, who was the youngest son) took turns helping their father at night and on Sundays by walking around various parts of Brooklyn with a pushcart selling confectioneries to "Mom and Pop" candy stores. It was especially during these "walks" that the elder Mr. Green would tell his sons about his past and instill in them his positive attitude about the importance of hard work and perseverance. His father also instilled in Mr. Green strong religious and community values.

Mr. Green went to Jewish parochial schools, primarily in Brooklyn. He left high school at the age of sixteen to augment the family income. He first worked as a stock boy in the garment district of Manhattan. Then, in July 1951, he was employed by Philipp Brothers to work in the mailroom. Soon thereafter, he was promoted to the Traffic Department and was quite successful. In late 1954, he was again promoted, this time to Assistant Trader.

His career was interrupted by the draft in 1955. After serving in the U.S. Army, he was honorably discharged in January 1957. He returned to Philipp Brothers and, a year later, he was asked to go to the Philipp Brothers office in Istanbul, Turkey. About 18 months later, he was transferred to the European headquarters of Philipp Brothers, which was then in Amsterdam, Holland. In March 1965, the Director of Europe decided to relocate headquarters to Switzerland and asked Mr. Green to join as his assistant, which he did, and Mr. Green stayed with Philipp Brothers in Switzerland until 1974.

During his last two years with Philipp Brothers, Mr. Green worked very closely with Mr. Rich -- who was then manager of Philipp Brothers' Madrid office and who was engaged in developing the international trade of petroleum and petroleum products. Mr. Green developed an expertise in the shipping industry, especially in the tanker trade, a vital factor in moving large quantities of oil around the world.

Like Mr. Rich, Mr. Green was a founder of MRAG in 1974. Mr. Green remained headquartered in Switzerland until he and Mr. Rich relocated to the United States to help develop the company further.

In 1990, following a heart bypass operation in 1989, Mr. Green retired from his business ventures. Since that time, he has concentrated his attention on his four children and many grandchildren, the pursuit of Jewish studies and his charitable foundation, The Darchey Noam Foundation.² Mr. Green has been active in charitable affairs since he began working.

The Darchey Noam Foundation supports educational, charitable and social welfare projects as well as scientific and cultural activities. The foundation has donated almost 120 million dollars since its inception. The grants of the Darchey Noam Foundation (as well as many interest-free loans) have covered a vast cross-section of life and many different countries and cultures. They include efforts to help develop or expand social and welfare assistance for needy individuals and families, the provision of medical and surgical expenses, mostly to individuals, cultural activities, and support for Jewish education, including construction of buildings. These efforts have been and are being made in many countries including the United States, Israel, Switzerland, England, France, former Soviet Union, Ukraine, and South Africa.

² Darchey Noam is "Pleasant Paths" in Hebrew.

Mr. Green's foundation also helps both educational institutions and their students. It gives grants to schools and gives fellowships or interest-free loans to students and also focuses on ways to support the moral, spiritual and physical advancement of individuals. This is the foundation's biggest commitment. The foundation's work for needy individuals extends to people who are at risk socially, families with a large number of children, persons rescued or imprisoned for religious, racial or political reasons, and charities which provide support to needy people and families. Finally, Mr. Green's foundation supports institutions and gives grants and awards to individuals who have excelled and rendered outstanding services in the fields of art, culture and science.

Mr. Green turned 66 on March 11, 2000. He married his wife Libby in December of 1957 in Cleveland, Ohio. They have four children. Their oldest son, Alan, was born in Istanbul, Turkey, and now lives in Zurich, Switzerland. His second oldest son, Robert, and his third child and oldest daughter, Sandra, were both born in Amsterdam, Holland, and both now live in London, England. His second daughter, Sarah, was born in Zurich, Switzerland and now lives near Tel Aviv in Israel. All of the children are married and each has five or more children. All are active in their local communities. Besides their own charitable activities, they assist from time to time in their father's foundation work. Pincus and Libby Green have lived in and around Zug, Switzerland since 1983.

Many friends and family members also have written letters which support a pardon for Mr. Green. Those letters portray Mr. Green as a bright, outgoing, thoughtful, wise, good humored and extremely modest person. Some of those letters have been excerpted below:

I have known Mr. Pincus Green for almost two decades in connection with my work. He has, with abundant generosity and sensitivity, helped support our organization continuously during

that period. Whenever approached, he has responded with alacrity and enthusiasm. One of the areas in which he has made a pioneering contribution is his revival of Jewish life in the Former Soviet Union, where he has demonstrated resolute purpose and vision.

In his philanthropic activity, he has achieved a well deserved international reputation for his kindness, dedication, sensitivity, and modesty.

His generosity has made a difference in this world, for which all who know him are deeply grateful. He is truly a philanthropic saint.

***Dr. Jerry Hochbaum, Executive Vice President
Memorial Foundation of Jewish Culture***

** * **

I have known Mr. Green, whom we have always referred to as "Pinky" since I was a youngster in my pre teens. Pinky is slightly older than I am and he served as a youth leader in youth groups that our synagogue provided on Saturday afternoons. The memories that I have from the times that he was my leader are still vivid and fond. All wanted to be in his group.

My next relationship with Pinky that has been going on now for about 25 years was that of fundraiser, first for the Mattersdorf school and then for Pachad Yitzchok. And, for literally hundreds of other cases for which I have turned and appealed to Pinky for. A poor bride and groom. A large family that did not have the funds necessary to provide for the upcoming Holiday. A sick parent or child. Loans for completely unknown persons. Never was I turned down and almost as soon as the request arrived at his office, the check was on the way. All requests were treated the same.

I can go on and on, but all of the stories will lead to the same conclusion. Pinky Green is one of the finest, most scrupulous and caring people that anyone could know.

Rabbi Aaron Lasker

** * **

I have encountered countless numbers of individuals trying to better the world and make their contribution to the Jewish nation as a whole and Israeli society in particular. I have never known

anyone as generous, unassuming, and respectful of the recipients of his grants as Pincus Green.

To name just a few, he has contributed funds to individuals in need of surgery, clothes and shoes to abused children in an institution, to poor families drowning in debt and to a broad spectrum of medical, educational and social organizations. Even more extraordinary, anytime I have ever known him to make a donation of funds, he has done so anonymously. Mr. Green does not seek recognition. His generosity derives from true compassion and moral commitment.

Dr. Daniel Tropper

* * *

Eight years ago I was diagnosed with a rare malady that greatly limited the use of my hand. My new limitation was particularly disturbing because it prevented me from being able to write – the very lifeblood of the life of the scholar. I was referred by an acquaintance, Mr. Pincus Green, to the Schulthess Clinic in Zurich that performs a surgical procedure, which could restore the functioning of my hand.

Mr. Green's involvement just began here. Mr. Green met me at the airport and took me to my hotel. Each day he personally came to the hotel to drive me to the clinic, await the examination and drive me back to the hotel. And in the days that I was hospitalized he visited me each day to be certain that all my needs were being taken care of. And it was he – when I had recovered sufficiently to return home – who took me back to the airport. He even offered to cover all medical costs, which I was fortunately able to turn down.

I shall never forget the kindness that Mr. Green bestowed on me during that time.

Rabbi Yehuda Amital

* * *

Throughout his life my father has been concerned for the welfare of others and for what is right. My father could never say "No" to someone in need, and he always stood on principles and always was fair. He could never do something knowing it might be wrong. Honesty and trust are principles he believed in and stood for.

My father and his principles have had a strong impact on my life. It is a privilege to be his daughter. If his character and

contributions to the welfare of other are important, he satisfies any standard. He is a man deserving of a pardon.

Sandra Mirriam (Green) Kohn

* * *

Through his philanthropy, Mr. Green has been instrumental in instilling democratic and American values throughout the former Soviet Union, via numerous educational projects. By sending food and other humanitarian aid to large populations of needs individuals in Eastern Europe, often in cooperation with such governmental agencies as USAID, Mr. Green has quite literally helped save thousands of lives.

Shlomo N. Mandel, Ph.D

* * *

Mr. Green has been known to me for approximately 18 years, as a patient and friend of the family. I confirm that he is a honest, upright and very charitable person. He has been helpful and has financially assisted the community with donations for the needy and patients, as well as hospital donations, and is very respected within and without the community.

Dr. Harry Trost

* * *

I know Mr. Green and his family for more than 30 years, having worked together in the same organization.

Alongside his remarkable and outstandingly successful business career, Mr. Green is very active in communal, social, educational and cultural areas. His activity in these fields, both in Switzerland and abroad, is exemplary and has caused his name to be a synonym for compassion and charity.

Dr. D. Jeselsohn

* * *

I am writing to you on behalf of Mr. Pincus Green, who I have known for 25 years and have also worked closely together with him for many years.

During the many years he has lived here in Switzerland he has lived an exemplary life and has made many voluntary contributions on a large scale to the society. I can recommend him to all people and institutions.

Josef Guggenheim

* * *

As his Rabbi Mr. Green has consulted with me concerning many personal as well as communal issues. His concern for the pain of others and the community at large was paramount. He is also a very modest person who would insist that his charity would not be disclosed.

I know of many instances where he helped variegated institutions involved in social welfare, education and religious needs of the entire spectrum of the community.

Rabbi David Cohen

* * *

I am pleased to be recognized as the older brother of Pincus Green. He is a person of generosity and integrity whose devoted attention to individual and communal causes has been the pride of our family.

We have a deep respect for his intellectual acumen and for his concern for the welfare of our community and of our family. His caring, his insight and his generosity assured our parents the respect and caring they enjoyed in their later years. His knowledge of the world has been a source of help to his siblings as they confronted economic and physical hardships.

Solomon H. Green

* * *

As President on Ner Israel Rabbinical College, I have known Pincus Green for over twenty years. Although his son Aaron was only in our school for a very short period of time, Mr. Green has recognized the importance of our institution as one of the foremost citadels of higher Jewish learning in the world. In almost seventy years of existence, Ner Israel has trained and continues to graduate rabbinic, educational, communal and knowledgeable

laymen who occupy positions of leadership throughout the Jewish world.

Rabbi Herman N. Neiberger

All of these letters are attached as part of Exhibit B.

* * *

Other than the allegations for which clemency is sought, Mr. Rich and Mr. Green never have been charged with a crime. Indeed, Mr. Rich's and Mr. Green's lives both before and after the accusations have been ones of hard-working, resourceful businessmen who have become remarkably successful and have devoted much time and money to philanthropy and statesmanship.

In short, individuals and institutions around the world have benefited tremendously from the generosity and goodness of Mr. Rich and Mr. Green. These acts of kindness alone would be sufficient to warrant a pardon, but when combined with the other grounds set forth herein, provide more than ample reason for the issuance of a Presidential Pardon.

II. MR. RICH AND MR. GREEN WERE SUBJECTED TO AN UNPRECEDENTED CRIMINAL INVESTIGATION, A UNIQUE INDICTMENT BASED ON NOW-DISCARDED AND REJECTED THEORIES, AND AN AGGRESSIVE PROSECUTION FOR ALLEGED REGULATORY VIOLATIONS THAT DID NOT OCCUR.

The investigation, indictment and prosecution of Mr. Rich and Mr. Green for alleged crimes arising out of the Department of Energy's oil regulatory program was unprecedented, unique, and fundamentally unfair. It was, in short, an unbearable experience in which Mr. Rich and Mr. Green felt the full weight of the United States government's prosecutorial powers.

A. The Oil Price Control Program.

The criminal case began as an energy investigation that had its roots in the federal oil price control program instituted in the 1970's in response to the energy crisis and high inflation.

An elaborate array of statutes and regulations empowered the Department of Energy ("DOE") to limit the prices and profits on crude oil sales in the United States. Oil and oil-trading companies in the United States and around the world, including Marc Rich + Co. International Ltd. ("MRI," a Swiss subsidiary of MRAG that operated in the United States), were affected by these laws and regulations. These rules soon proved to be unworkable, however, and were ended in January 1981 by President Reagan's first executive order.

While it was in effect, the price control regime established an extremely complicated pricing structure for producers' first sale of domestic oil, differentiating between three different classifications of crude oil that were otherwise identical, and even could have originated from the same well. In addition to imposing limits on the prices producers were allowed to charge on their sales of crude oil, the DOE regulations limited the profits that were allowed to be earned by oil trading companies, such as MRI, which purchased crude oil and then resold it to others in the distribution chain. The DOE regulations limited existing resellers' average monthly profits by assigning to each reseller a DOE-calculated "permissible average markup" or "markup" on regulated crude oil transactions, derived from the firm's own historical profit margins. Companies which were new to the resale business, like MRI, were free of these limits until DOE could determine an allowable markup. After a lengthy study that was finally completed in the summer of 1980, only months before decontrol occurred, DOE established a fixed allowable markup for all new resellers like MRI on transactions covered by the regulations.

B. The Prosecution of Marc Rich and Pincus Green.

In September 1983, a criminal indictment of MRAG, MRI, Mr. Rich, Mr. Green (and an individual who had worked for a company with which MRI did business) was filed by Mr. Rudolph Giuliani, the U.S. Attorney for the Southern District of New York. A superseding

indictment was filed in March 1984 against the same parties. The superseding indictment, together with a summary, is attached as Exhibit A. Both versions of the indictment include allegations of tax evasion, conspiracy, mail fraud, wire fraud, racketeering, and violations of regulations restricting purchases of oil from Iran during the hostage crisis.

The indictment -- in addition to unfairly singling out these individuals and these companies for criminal enforcement when all others engaging in similar activity were pursued, if at all, in civil regulatory actions -- is fatally flawed. This was the first use of the RICO statute in a business transaction context. Following the indictment, the United States government recognized the misuse of RICO in tax fraud cases and issued guidance in the United States Attorney's Manual explicitly stating that tax offenses are not predicates for RICO offenses. *See* USAM ¶ 6-4.211(1), adopted July 14, 1989. The mail fraud claims became defective as a result of the United States Supreme Court's decision in *McNally v. United States*, 483 U.S. 350 (1987). The Iranian counts were added to the indictment to incite public opinion against the defendants. In essence, the prosecutors accuse Mr. Rich and Mr. Green of causing the companies to trade with Iran when, under the applicable regulations, the companies *were permitted* to trade with Iran. The prosecutors quietly dropped the Iranian claims against the companies, but never dealt with the claims against the individuals.

The alleged tax evasion was the core of the indictment. The indictment contended that MRI, a Swiss corporation, had evaded more than 48 million dollars in United States income taxes on its oil trading activity. Essentially, the United States Attorney's Office in New York alleged that regulated oil was sold at profits exceeding the permitted maximum level, and the reporting of the excess profits was evaded by secretly diverting them offshore.

The tax treatment of the transactions in the indictment, however, is governed by a U.S.-Swiss tax treaty, which was ignored by the prosecution. Under the controlling treaty at the time, income from a sale by a Swiss company is attributed to the location where title to the property passed, and if a revenue-generating sale occurred outside the borders of the United States, as it did here, it would not be subject to U.S. taxes. The transactions in issue were consistently reported in accordance with the tax treaty.

The propriety of this tax treatment has been confirmed by the independent analyses of two of the nation's leading tax experts -- Professors Bernard Wolfman of Harvard Law School and Martin D. Ginsburg of Georgetown University Law Center -- who have concluded that the United States government should not prevail even in a civil tax case. Professors Wolfman and Ginsburg submitted their conclusions in writing to the U.S. Attorney's Office over ten years ago, but their offer, renewed on several occasions, to discuss their submission with the Office was repeatedly denied. A copy of the thoughtful and thorough submission by Professors Wolfman and Ginsburg is attached as Exhibit C.

Following the indictment, the United States Attorney's Office, led by Mr. Giuliani, pursued the companies and individuals aggressively both in Court and in the press, and put extreme pressure on Mr. Rich and Mr. Green, who were residing in Switzerland at the time, to come to the United States to stand trial. Not only did Mr. Giuliani and other prosecutors from his office speak frequently to the media in off and on the record conversations, the office held formal press conferences where purported "evidence" against Mr. Rich and Mr. Green was showcased to the press.

Mr. Rich and Mr. Green, not surprisingly, refused to leave Switzerland because of concerns that they would not be viewed in a fair and objective fashion in what was certain to be a

highly-publicized trial. (Indeed, the case received almost daily coverage on the front pages of the business section of the New York Times.) Undeterred, the U.S. Attorney's Office requested the extradition of Mr. Rich and Mr. Green from Switzerland despite knowing that Switzerland did not view these alleged offenses as extraditable crimes. In short order, the Swiss government refused the request as incompatible with Swiss law and the terms of the U.S.-Swiss extradition treaty.

Meanwhile, the United States had frozen the assets of MRI, which had been renamed Clarendon during this period, thereby making it virtually impossible for Clarendon to do business in the United States. A fine of \$50,000 a day also was levied on MRAG by the District Court in connection with discovery disputes; this fine continued to run even after the Swiss authorities enjoined the companies from producing a handful of documents that remained in Switzerland. Huge RICO forfeitures also were pursued. Clarendon's ongoing business was completely disrupted and most U.S. employees lost their jobs. MRAG's business was also severely interrupted and its U.S. bank relationships shattered. Under the circumstances, a settlement seemed to be the only way for both sides to bring the matter to conclusion while still preserving the company.

C. Settlement with the Corporations.

In October 1984, to save the ongoing business entities, MRAG and Clarendon entered into a plea agreement that fully settled the case against these companies. Under the terms of the plea agreement, MRAG and Clarendon pleaded guilty to several charges of making false statements and Clarendon, in addition, pleaded guilty to two counts of tax evasion. Altogether, they paid a total of approximately 200 million dollars in back taxes, interest, fines and foregone tax deductions, an amount far in excess of any taxes, penalties or interest which might have been

assessed in a civil tax proceeding. In return, the United States government lifted the freeze placed on company assets and removed all other restrictions on MRAG's and Clarendon's ability to do business. In addition, the settlement allowed the payment of 130 million dollars to fourteen banks in repayment of money borrowed by Clarendon prior to the freezing of its assets.

The surrender by the companies was as unfair as it was inevitable. The Department of Justice, finally recognizing the coercive effect of overdrawn forfeitures, adopted rules in 1989 prohibiting prosecutors from seeking forfeitures or pretrial restraints that are disproportionate or disrupt normal, legitimate business activities. *See* USAM ¶ 9-110.415. This leveling of the playing field, however, came too late for the companies.

D. Post-Settlement Discussions with the Department of Justice.

Despite the settlement with the companies, the criminal indictment against Mr. Rich and Mr. Green remains in effect. While counsel for Mr. Rich and Mr. Green have pursued efforts to engage in settlement discussions with the Southern District of New York periodically over the past 16 years, these discussions have not come to fruition. Indeed, the Office takes the position that it will not even discuss the matter while Mr. Rich and Mr. Green continue to live outside of the United States. In fact, however, the Southern District has negotiated with numerous other absent defendants over the years, and the Department of Justice has no such policy against such negotiations.

As a result of arrest warrants submitted by the United States to the governments of a number of countries, the freedom of movement of Mr. Rich and Mr. Green has been severely restricted. The United States also has sought to extradite Mr. Rich and Mr. Green from Israel, but like Switzerland, it refused to grant this request. As a result, Mr. Rich and Mr. Green cannot

be forced to come to the United States, but they cannot freely travel. A continuing stalemate is in place, which not only has hurt Mr. Rich and Mr. Green, but their families as well.

As recently as this year, Mr. Rich and Mr. Green, through counsel, sought once again to reach a negotiated resolution of Mr. Rich's and Mr. Green's status, and offered to begin a dialogue by having Professors Wolfman and Ginsburg meet with tax experts in the Department of Justice. This proposal, however, was vetoed by the Southern District.

III. THE OFFENSES ALLEGED AGAINST MR. RICH AND MR. GREEN NEVER HAVE BEEN CHARGED AGAINST SIMILARLY SITUATED INDIVIDUALS OR CORPORATIONS.

In many regards, Mr. Rich's and Mr. Green's case is *sui generis*. The transactions that are the subject of the indictment were heavily counseled and lawyered by major U.S. accounting and law firms, and they were conducted with major U.S. oil companies. Nevertheless, Mr. Rich and Mr. Green³ were the only individual targets and the Swiss companies MRAG and Clarendon were the only corporate entities pursued criminally for activities that were widely engaged in by the oil industry at the time. In contrast, an extensive investigation by DOE resulted only in an administrative sanction against ARCO, the primary beneficiary of a major group of the transactions charged in the indictment.

DOE found that ARCO had orchestrated linked foreign and domestic transactions, all at prices which were calculated by ARCO, and that the Swiss companies had properly accounted for the transactions on their books.⁴

³ One other individual, whom the government sought as a witness, was charged after he declined to cooperate, and pled to a crime for which he had not otherwise been charged and received probation.

⁴ United States Department of Energy Economic Regulatory Administration Proposed Remedial Order Issued to ARCO on October 4, 1985, at 17-19.

The unique manner in which Mr. Rich and Mr. Green have been treated over the past twenty years provides yet a further reason for a pardon. We are unaware of any basis -- and certainly the Department of Justice has asserted none -- for treating Mr. Rich and Mr. Green in a fundamentally different manner than others who commonly engaged in similar transactions or, in ARCO's case, actually participated in many of the same transactions covered by the indictment. This is particularly troubling because DOE's evaluation of these transactions indicated that the Swiss companies (and not ARCO) properly had accounted for the transactions. This evaluation by DOE -- the agency of the United States government responsible for administering the energy laws -- plainly contradicts the Southern District of New York's indictment.

IV. A PRE-CONVICTION PARDON IS A CONTEMPLATED AND APPROPRIATE USE OF THE PRESIDENTIAL PARDON POWER.

The Pardon Power exists as a recognition of the fact that in some situations -- like the one Mr. Rich and Mr. Green have faced for nearly 20 years -- the President may be called upon to deliver justice that cannot reasonably be obtained in any other manner. As former President and then-Chief Justice Taft wrote for the Supreme Court in *Ex parte Grossman*, 267 U.S. 87, 120-21 (1925):

Executive clemency exists to afford relief from undue harshness or evident mistakes in the operation or enforcement of the criminal law. The administration of justice by the courts is not necessarily always wise or certainly considerate of circumstances which may properly mitigate guilt. To afford a remedy, it has always been thought essential in popular governments, as well as in monarchies, to vest in some other authority than the courts power to ameliorate or avoid particular criminal judgments.

In the present case, the normal operation of the enforcement of the criminal laws has failed Mr. Rich and Mr. Green, and we believe that it has failed the United States as well. There should be no doubt that the nearly 20 year-old indictment against Mr. Rich and Mr. Green should

never be successfully prosecuted because of changes in both the law and DOJ policy, and, as Professors Ginsburg and Wolfman have concluded, there was no underreporting of tax. Mr. Rich and Mr. Green repeatedly have sought to resolve the situation by having their counsel meet with the United States Attorney's Office for the Southern District of New York. Their efforts to persuade that Office of Mr. Rich's and Mr. Green's innocence have failed. This failure, however, has not been based upon the Office's careful review of the merits of its case but because the Office has refused to reconsider its position.

On June 3, 1994, counsel Lawrence Urgenson wrote to Assistant United States Attorney Patrick Fitzgerald of the Southern District a thought-provoking nine page letter detailing why a discussion was appropriate and why the matter had not been fairly aired. (*See Exhibit D.*) Subsequently, in 1999, counsel Jack Quinn and Kathleen Behan wrote to United States Attorney Mary Jo White that "[w]e believe that there are very real and important legal policy issues raised by the indictment. . . . We are hopeful that you will agree that the time for a constructive dialogue with the Government is now." (*See Exhibit E.*) In each case, the Southern District sent a short note in response, refusing to consider the matter while Mr. Rich and Mr. Green were abroad. (*See Exhibits F and G.*) Evidence of an earlier attempt to open a dialogue is found in Exhibit H, an overview and analysis of the matter provided by counsel to the Southern District in 1990.

This refusal by the United States government even to engage in a discussion of the merits of the case leaves Mr. Rich and Mr. Green in an untenable position: the only way for them to exonerate themselves is to come to the United States, face immediate incarceration and a certain media circus, and stand trial. However, as a practical matter, this option is illusory. The corporations were forced to plead guilty to save themselves, and that will forever stain the hopes

of a fair trial. And the U.S. Attorney's Office has refused to even consider Mr. Rich's and Mr. Green's position that they, in fact, are not guilty of the criminal charges. As a result, a negotiated resolution seems impossible.

Under the circumstances, then, this case will not be resolved through trial, settlement or the withdrawal of the indictment. The only process that will resolve the controversy and allow Mr. Rich and Mr. Green the full opportunity to pursue their humanitarian efforts (without requiring the United States Attorney's Office to confess any error), is for the President of the United States to pardon Mr. Rich and Mr. Green.

The grant of such a pardon plainly is within the President's authority. The Presidential Pardon Power "extends to every offense known to the law and may be exercised at any time after its commission, either before legal proceedings are taken, or during their pendency, or after conviction or judgment. . . ." *Ex parte Garland*, 71 U.S. 333, 380 (1866). Indeed, the Presidential prerogative to issue pre-conviction pardons was established at the Constitutional Convention, when the Founding Fathers considered and rejected a proposal to limit the Pardon Power until "after conviction." *IV The Debates in the Several State Conventions on the Adoption of the Constitution* 480 (Jonathan Elliot ed. 1836). As former Assistant Attorney General Walter Dellinger has advised this Administration: "Throughout this nation's history, Presidents have asserted the power to issue pardons prior to conviction, and the consistent view of the Attorney General has been that such pardons have as full an effect as pardons issued after conviction." *Effects of A Presidential Pardon*, 19 U.S. Op. O.L.C. No. J, 1995 WL 861618 (June 19, 1995).

From this country's very inception, Presidents have issued pardons to persons before trial. In advising President Harrison that a "pardon may be granted before or after conviction," then-Solicitor General William Henry Taft described the use of pardons by Presidents

Washington, Adams and Madison to persons before trial. 20 U.S. Op. Atty. Gen. 330 (1892) (See Exhibit I). Such pardons also were issued to those who evaded the draft in World War I by President Wilson and the Vietnam War by President Carter. Other recent and notable uses of the pardon power prior to trial include President Ford's pardon of former President Nixon and President Bush's Christmas Eve pardon of Casper Weinberger and others associated with what has come to be known as the Iran-Contra Affair. See *Proclamation 6518 – Grant of Executive Clemency*, 57 Fed. Reg. 62145 (Dec. 24, 1992) (pardoning six individuals involved in the Iran-Contra Affair). (See Exhibit J.)

* * * * *

Finality, fundamental fairness and justice -- these three principles motivate and inform the Presidential Pardon request of Mr. Rich and Mr. Green. Given the length of time that this matter has been pending -- and the absence of any potential for a negotiated resolution, a pardon is not only in the best interests of Mr. Rich and Mr. Green, but also of the United States.

These two men, who are now in their late sixties, indisputably have made careful, considered and effective contributions to the public good on a truly extraordinary scale in the twenty years since their exile from the United States. The recalcitrant and unreasonable refusal of the Southern District of New York to even engage in a meaningful discussion toward a resolution of this matter with Mr. Rich and Mr. Green has caused them both extensive harm. A Presidential Pardon will bring closure to this matter. It will "afford relief from [the] undue harshness or evident mistake in the operation or enforcement of the criminal law" that has so affected this case. *Ex Parte Grossman*, 267 U.S. 87, 120 (1925). And finally, it will allow Mr. Rich and Mr. Green to be with their families to devote the remaining years of their lives to the continuation and extension of their philanthropic activities both in the United States and

throughout the world. Accordingly, for the reasons stated herein and the accompanying Appendix, we respectfully submit that Mr. Rich and Mr. Green's petition for a Presidential Pardon should be granted.

Respectfully submitted,

Jack Quinn, Esq.
1133 Connecticut Avenue, N.W.
2nd Floor
Washington, D.C. 20009
202-457-1110

Kathleen A. Behan, Esq.
Arnold & Porter
555 Twelfth Street, N.W.
Washington, D.C. 20004
(202) 942-5533

Robert F. Fink, Esq.
Piper Marbury, Rudnick & Wolfe, LLP
1251 Avenue of the Americas
New York, NY 10020
(212) 835-6090

TO THE PRESIDENT OF THE UNITED STATES

PETITION FOR PARDON FOR
MARC RICH
AND
PINCUS GREEN

Indicted September 19, 1983
by the United States Attorney for the
Southern District of New York
For Alleged Crimes Arising Out of
The Department of Energy's Price Control Program

PETITIONERS' APPLICATION FOR PARDON

For Petitioners:

Jack Quinn, Esq.
1133 Connecticut Avenue, N.W.
2nd Floor
Washington, D.C. 20009
(202) 457-1110

Kathleen A. Behan, Esq.
Arnold & Porter
555 Twelfth Street, N.W.
Washington, D.C. 20004
(202) 942-5533

Robert F. Fink, Esq.
Piper Marbury, Rudnick & Wolfe, LLP
1251 Avenue of the Americas
New York, NY 10020
(212) 835-6090

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